

REMARKS

A. Double Patenting Rejection

Claims 1-3, 6, and 20-24 have been rejected under the non-statutory, judicially created doctrine of obviousness-type double patenting over claims 1-30 of the U.S. Patent No. 5,985,214 to Stylli et al. (page 1, first paragraph of the Office Action). The Applicants respectfully submit the terminal disclaimer, disclaiming the terminal part of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,985,214. Accordingly, the rejection is moot and reconsideration and withdrawal of the rejection are respectfully requested.

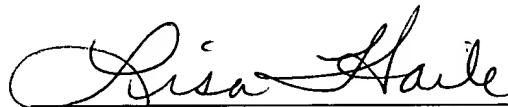
CONCLUSION

Claims 1-3, 6 and 20-24 are pending in the application. In view of the above remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

No fees are deemed due with filing of this response. However, the Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: October 27, 2004



Lisa A. Haile, J.D., Ph.D.

Reg. No. 38,347

Telephone No.: (858) 677-1456

Facsimile No.: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO CUSTOMER NUMBER 28213